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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/549,463

04/14/2000

Guus Hatteboer

4038.1US

8657

7590

03/05/2004

Allen C Turner
Trask Britt & Rossa
P. O. Box 2550
Salt Lake City, UT 84110

EXAMINER

MITRA, RITA

ART UNIT

PAPER NUMBER

1653

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

09/549,463

Examiner

Rita Mitra

Applicant(s)

HATTEBOER ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/29/2003, 1/12/04 and Interview summary 2/26/04.
2. ☒ The allowed claim(s) is/are 1,3,5,13,14,73-80,82-85,97-102 and 105-107.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/27/04.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Status of the Claims

This is a supplemental allowance in response to a phone call from the Attorney Andrew Nilles on February 26, 2004. Claims 106 and 107 have been entered and examined. Please see attached Interview Summary.

Applicants' amendment and response to the office action of May 21, 2003 filed on August 29, 2003 is acknowledged. Claim 1 has been amended and entered. Claims 103 and 104 have been entered. New claims 106 and 107 have been added. A supplemental amendment in conjunction with a supplemental Information Disclosure filed on January 12, 2004 is acknowledged. Copending applications Serial No. 10/618526, 10/305435, 10/381088, 10/381857, 10/644256, 10/698086 listed in the statement and US patent listed in PTO/SB/08 have been considered. Claims 1 and 6 have been amended and claims 7, 81, 86, 96, 103 and 104 have been canceled. Therefore, claims 1, 3, 5, 6, 11, 13, 14, 73-80, 82-85, 97-102 and 105-107 are currently pending and are under examination.

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Examiner's Amendments to the Claims

Non-elected claims 87-95 have been canceled.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Andrew Nilles on January 30, 2004.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a method for producing a proteinaceous substance in a eukaryotic cell comprising:
providing a eukaryotic cell having a nucleic acid sequence encoding one adenoviral E1 protein, the said cell further does not comprise a sequence encoding a structural adenoviral protein in its genome; introducing a gene encoding a recombinant proteinaceous substance into the eukaryotic cell; culturing said eukaryotic cell in a suitable medium and harvesting at least one proteinaceous substance from said cell and/or said media. Therefore the claims are allowable over the art of record. .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1, 3, 5, 6, 11, 13, 14, 73-80, 82-85, 97-102 and 105-107 are allowed.

Inquiries

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rita Mitra whose telephone number is (703) 605-1211. The Examiner can normally be reached from 9:30 a.m. to 6:30 p.m. on weekdays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Christopher Low, can be reached at (703) 308-2923. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must

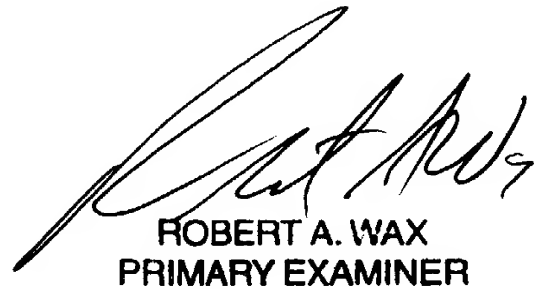
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conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989).

The Fax Center number is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



Rita Mitra, Ph.D.
February 26, 2004



ROBERT A. WAX
PRIMARY EXAMINER